THE BOMBAY HOME GUARDS ACT, 1947.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Constitution of Home Guards and appointment of Commandant.
3. Appointment of members.
4. Functions of members.
5. Powers, protection and control.
6. Control by officers of police force.
7. Penalty.
8. Rules.
9. Members of Home Guards to be public servants.
10. Repeal and saving.

BOMBAY ACT No. III OF 1947.[1]

[THE BOMBAY HOME GUARDS ACT, 1947.]

[*22nd March 1947.*]

An Act to provide for the constitution of Home Guards.

WHEREAS it is expedient to provide a volunteer organisation for use in emergencies and for other purposes in the Province of Bombay ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Home Guards Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force at once in the area of Greater Bombay and the area comprising limits of the municipal borough and the cantonment of Ahmedabad. The Provincial Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date as may be specified in such notification.

Constitution of Home Guards and appointment of Commandant.

2. (*1*) The Provincial Government shall constitute for each of the areas specified in sub-section (*3*) of section 1 and for each of the areas notified under the said sub-section (*3*) a volunteer body called the Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property and the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(*2*) The Provincial Government shall appoint a Commandant of each of the Home Guards constituted under sub-section (*1*).

Appointment of members.

3. The Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Provincial Government, and may appoint any such member to any office of command in the Home Guards.

Functions of members.

4. In Greater Bombay, the Commissioner of Police, Bombay, and elsewhere, the District Superintendent of Police concerned, may at any time call out through the Commandant a member of the Home Guards for training or to discharge any of the functions assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (*1*) A member of the Home Guards when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

(*2*) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the Commissioner of Police, Bombay, in Greater Bombay, and of the District Magistrate, elsewhere.

Control by officers of police force.

6. The members of the Home Guards when called out under section 4 in aid of the police force shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed by rules made under section 8.

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1947, Pt. V page, 25 ; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1947, Vol. X ; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1947, Vol. XII.

Penalty.

7. (*1*) If any member of the Home Guards, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(*2*) No proceedings shall be instituted under sub-section (*1*) without the previous sanction of the Commandant.

(*3*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*).

Rules.

8. The Provincial Government may make rules consistent with this Act,—

(*a*) providing for the exercise by any police officer or the Commandant or other officer of the Home Guards of the powers conferred by section 4 on the Commissioner of Police, Bombay, or the District Superintendent of Police;

(*b*) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;

(*c*) regulating the organisation, appointment, conditions of service, functions, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service;

(*d*) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act;

(*e*) generally for giving effect to the provisions of this Act.

Members of Home Guards to be public servants.

9. Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Repeal and saving.

10. The Bombay Home Guards Ordinance, 1946, is hereby repealed: Bom. Ordinance No. 1 of 1946;

Provided that the Home Guards constituted under the said Ordinance shall be deemed to be constituted under this Act; and all appointments and rules made under the said Ordinance and in force immediately before the coming into operation of this Act shall continue in force and be deemed to be made in pursuance of this Act.